

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of claims:

1. (Currently amended) An NAKT-13 cell line or a passage cell line thereof wherein the passage cell line thereof retains NAKT-13 cell line characteristics, comprising: a hTERT gene and a SV40T gene each interposed between a pair of LoxP sequences, the cell line being capable of producing insulin and enhancing expression of insulin after excision of the hTERT gene and the SV40T gene.
2. (Cancelled)
3. (Currently amended) A method of preparing a human pancreatic islet cell prepared by a process comprising:
providing the NAKT-13 cell line or a passage cell line thereof of claim 1;
excising the hTERT gene and the SV40T gene from the cell line of claim 1
ex vivo; and
purifying the resulting cell line.

4. (Currently amended) A method for treating diabetes, comprising:

providing the NAKT-13 cell line or a passage cell line thereof of claim 1;
excising the hTERT gene and the SV40T gene from the cell line ex vivo;
administering an effective amount of the cell line after excision human
~~pancreatic islet cell of claim 3~~ to a patient in need thereof.

5. (Currently amended) A method for producing insulin, comprising:

culturing the NAKT-13 cell line or a passage cell line thereof of ~~Claim~~
claim 1 in a culture medium under conditions sufficient to express insulin; and
purifying insulin from the culture medium to obtain insulin.

6. (Currently amended) A method for producing insulin, comprising:

culturing the human pancreatic islet cell prepared by the method of claim 3
in a culture medium under conditions sufficient to express insulin; and
purifying insulin from the culture medium to obtain insulin.

Interview Summary

Applicants' representatives thank Examiner Popa for conducting an interview in this Application on March 5, 2009, at the USPTO. No agreement was reached regarding what additional evidence, amendments, and/or arguments would be required for obtaining allowable subject matter.

Regarding the Anticipation Rejection of claims 1 and 3-6, Applicants' representative pointed out to the Examiner that one of skill in the art reading the specification would understand that the "passage cell line thereof" would be a passage cell line that retains NAKT-13 cell line characteristics, and that cell lines are routinely reseeded to ensure the cell line retains its intended characteristics. The Examiner indicated that the arguments and/or claim amendments would be given fair consideration once they are formally submitted.

Regarding the Written Description Rejection of claims 1 and 3-6, Applicants' representative pointed out to the Examiner where in the specification written description support of the claimed subject matter could be found. Moreover, the Examiner was reminded that a biological deposit of the NAKT-13 cell line had also been made. The Examiner indicated that the arguments would be given fair consideration once they are formally submitted.

After discussing the above rejections of record, the Examiner indicated that claim 3 was not in condition for allowance. She asserted that claim 3 was essentially a "product-by-process" claim and that the excising step (*i.e.*, excising the two genes from the NAKT-13 cell line) resulted in a pancreatic islet cell line that was not distinguishable from the cell lines in the cited references. Since the product is allegedly not distinguished from the art, then

the process of making the product allegedly can not be patented as a product-by-process claim. Claims 4 and 6 which depend from claim 3 would also be similarly rejected. Solely in order to try to advance prosecution, Applicants' representative indicated the alternative possibility of amending claim 3 to recite a "method of preparing". The Examiner indicated that the arguments and/or claim amendments would be given fair consideration once they are formally submitted.

The Interview then concluded and the Examiner mailed an Interview Summary indicating that no agreement had been reached and that the arguments and/or claim amendments would be given fair consideration once they are formally submitted.